

Proposed technical correction:

SECTION #.(a) G.S. 89F-20 reads as rewritten:

"§ 89F-20. Disciplinary procedures.

(a) The Board may, consistent with the provisions of Chapter 150B of the General ~~Statutes~~, Statutes, refuse to grant or to renew, suspend, or revoke the license of any person licensed under this Chapter who:

- (1) Violates the provisions of this Chapter or a rule adopted by the Board.
- (2) Has been convicted of a misdemeanor under this Chapter.
- (3) Has been convicted of a felony.
- (4) Has been found by the Board to have engaged in unprofessional conduct, dishonest practice, incompetence, fraud or deceit in obtaining a license, or who aids another person who obtains or attempts to obtain a license by fraud or deceit.

(b) In lieu of revoking a license, the Board may enter a probationary order and assess a civil penalty not to exceed one thousand dollars (\$1,000). In determining the amount of a penalty under this section, the Board shall consider all the following factors:

- (1) The degree and extent of harm to the natural resources of the State, to the public health, or to private property resulting from the violation.
- (2) The duration and gravity of the violation.
- (3) The effect on water quality.
- (4) The cost of rectifying the damage.
- (5) The cost to the State of enforcement procedures.
- (6) The prior record of the violator in complying or failing to comply with this Chapter or a rule adopted pursuant to this Chapter." (1995, c. 414, s. 1.)

SECTION #.(b) G.S. 89G-5 reads as rewritten:

"§ 89G-5. Powers and duties.

The Board shall have the following powers and duties:

- (1) To administer and enforce the provisions of this Chapter.
- (2) To adopt, amend, or repeal rules to carry out the provisions of this Chapter.
- (3) To examine and determine the qualifications and fitness of applicants for licensure and licensure renewal.
- (4) To issue, renew, deny, restrict, suspend, or revoke licenses.
- (5) To reprimand or otherwise discipline licensees under this Chapter.
- (6) To receive and investigate complaints from members of the public.
- (7) To conduct investigations to determine whether violations of this Chapter exist or constitute grounds for disciplinary action against licensees under this Chapter.
- (8) To conduct administrative hearings in accordance with Chapter 150B of the General ~~Statutes~~.Statutes.
- (9) To seek injunctive relief through any court of competent jurisdiction for violations of this Chapter.
- (10) To collect fees required by G.S. 89G-10 and other monies permitted by law to be paid to the Board.
- (11) To require licensees to file and maintain an adequate surety bond or letter of credit.

- (12) To establish and approve continuing educational requirements for persons licensed under this Chapter.
- (13) To employ a secretary-treasurer and any other clerical personnel the Board deems necessary to carry out the provisions of this Chapter and to fix compensation for employees.
- (14) To maintain a record of all proceedings conducted by the Board and make available to licensees and other concerned parties an annual report of all Board actions.
- (15) To adopt and publish a code of professional conduct and practice for all persons licensed under this Chapter. The code shall establish minimum standards for water conservation in the practice of irrigation construction and contracting.
- (16) To publish a list of irrigation best management practices to be followed by licensed irrigation contractors.
- (17) To adopt a seal containing the name of the Board for use on licenses and official reports issued by the Board." (2008-177, s. 1; 2013-383, s. 3.)

SECTION #.(c) G.S. 106-1041 reads as rewritten:

"§ 106-1041. Statement of purpose and authorization.

→ The North Carolina Department of Agriculture and Consumer Services ~~is authorized to~~ may aid and assist agricultural operations and landowners in the preparedness for, response to, and recovery from agricultural emergencies. This authorization is given separate and apart from the authorities authorized by Chapter 166A of the General Statutes and ~~shall~~ does not require declaration of a state of emergency pursuant to G.S. 166A-19.20 for its implementation. In the event of a state of emergency declaration and where this Article is inconsistent with the provisions of Chapter 166A of the General Statutes, the provisions of Chapter 166A of the General ~~Statues~~ Statutes shall control as to the areas covered under the declaration. The Board of Agriculture may adopt rules necessary for the implementation and administration of this Article." (2016-113, s. 2(a).)

Explanation: This proposed technical correction corrects the misspelled phrase "General Statues" wherever it occurs in the General Statutes—there are three instances. This proposed technical correction also cleans up some of the surrounding language.

Session law excerpts:

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 414
HOUSE BILL 826

AN ACT TO PROVIDE FOR THE LICENSING OF SOIL SCIENTISTS.

The General Assembly of North Carolina enacts:

Section 1. The General Statutes are amended by adding a new Chapter to read:

...

"§ 89F-20. Disciplinary procedures.

➡ (a) The Board may, consistent with the provisions of Chapter 150B of the General Statutes, refuse to grant or to renew, suspend, or revoke the license of any person licensed under this Chapter who:

- (1) Violates the provisions of this Chapter or a rule adopted by the Board.
- (2) Has been convicted of a misdemeanor under this Chapter.
- (3) Has been convicted of a felony.
- (4) Has been found by the Board to have engaged in unprofessional conduct, dishonest practice, incompetence, fraud or deceit in obtaining a license, or who aids another person who obtains or attempts to obtain a license by fraud or deceit.

(b) In lieu of revoking a license, the Board may enter a probationary order and assess a civil penalty not to exceed one thousand dollars (\$1,000). In determining the amount of a penalty under this section, the Board shall consider the following factors:

- (1) The degree and extent of harm to the natural resources of the State, to the public health, or to private property resulting from the violation.
- (2) The duration and gravity of the violation.
- (3) The effect on water quality.
- (4) The cost of rectifying the damage.
- (5) The cost to the State of enforcement procedures.
- (6) The prior record of the violator in complying or failing to comply with this Chapter or a rule adopted pursuant to this Chapter.

...

Sec. 4. This act becomes effective upon ratification, except for G.S. 89F-19, 89F-22, 89F-23, as enacted in Section 1 of this act, which become effective 1 January 1997.

In the General Assembly read three times and ratified this the 11th day of July, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2008-177
HOUSE BILL 2353**

AN ACT TO AUTHORIZE THE LICENSURE OF IRRIGATION CONTRACTORS AND TO
ADD TWO MORE LEGISLATIVE APPOINTMENTS TO THE NORTH CAROLINA
APPRAISAL BOARD.

Whereas, North Carolina has been in an extreme drought, and water is our most basic and precious natural resource; and

Whereas, the efficient use of water is of utmost importance; and

Whereas, the North Carolina Green Industry has an annual economic impact of \$8.7 billion and offers employment to over 150,000 people in the State; and

Whereas, the proper design, installation, repair, and maintenance of landscape irrigation systems is critical to increase the efficiency of water use; and

Whereas, the U.S. Environmental Protection Agency has suggested that proper and efficient irrigation practices can reduce water consumption by at least 20%; and

Whereas, the North Carolina Green Industry and the Carolinas Irrigation Association recognize the need to require better and more efficient irrigation practices; Now, therefore, The General Assembly of North Carolina enacts:

SECTION 1. The General Statutes are amended by adding a new Chapter to read:

...

"§ 89G-5. Powers and duties.

The Board shall have the following powers and duties:

- (1) To administer and enforce the provisions of this Chapter.
- (2) To adopt, amend, or repeal rules to carry out the provisions of this Chapter.
- (3) To examine and determine the qualifications and fitness of applicants for licensure and licensure renewal.
- (4) To issue, renew, deny, restrict, suspend, or revoke licenses.
- (5) To reprimand or otherwise discipline licensees under this Chapter.
- (6) To receive and investigate complaints from members of the public.
- (7) To conduct investigations to determine whether violations of this Chapter exist or constitute grounds for disciplinary action against licensees under this Chapter.
- (8) To conduct administrative hearings in accordance with Chapter 150B of the General Statutes.
- (9) To seek injunctive relief through any court of competent jurisdiction for violations of this Chapter.
- (10) To collect fees required by G.S. 89G-10 and other monies permitted by law to be paid to the Board.
- (11) To require licensees to file and maintain an adequate surety bond.
- (12) To establish and approve continuing educational requirements for persons licensed under this Chapter.
- (13) To employ a secretary-treasurer and any other clerical personnel the Board deems necessary to carry out the provisions of this Chapter and to fix compensation for employees.
- (14) To maintain a record of all proceedings conducted by the Board and make available to licensees and other concerned parties an annual report of all Board actions.
- (15) To adopt and publish a code of professional conduct and practice for all persons licensed under this Chapter. The code shall establish minimum standards for water conservation in the practice of irrigation construction and contracting.
- (16) To publish a list of irrigation best management practices to be followed by licensed irrigation contractors.
- (17) To adopt a seal containing the name of the Board for use on licenses and official reports issued by the Board.

...

SECTION 7. G.S. 89G-4, as enacted in Section 1 of this act, becomes effective October 1, 2008. Section 6 of this act is effective when it becomes law. The remainder of this act becomes effective January 1, 2009, and the exemption provided in G.S. 89G-3(16) applies to irrigation systems installed on or before that date.

In the General Assembly read three times and ratified this the 17th day of July, 2008.

s/ Beverly E. Perdue
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 3:00 p.m. this 4th day of August, 2008

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

**SESSION LAW 2016-113
SENATE BILL 770**

AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE AGRICULTURAL
COMMUNITY.

The General Assembly of North Carolina enacts:

...

**AUTHORIZE THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
TO APPOINT AND DEPLOY AGRICULTURAL EMERGENCY RESPONSE TEAMS IN
AGRICULTURAL EMERGENCIES**

SECTION 2.(a) Chapter 106 of the General Statutes is amended by adding a new
Article to read:

"Article 85.

"Agricultural Emergency Response Act.

"§ 106-1033. Short title.

This Article shall be known as the "Agricultural Emergency Response Act."

"§ 106-1034. Statement of purpose and authorization.

The North Carolina Department of Agriculture and Consumer Services is authorized to aid and assist agricultural operations and landowners in the preparedness for, response to, and recovery from agricultural emergencies. This authorization is given separate and apart from the authorities authorized by Chapter 166A of the General Statutes and shall not require declaration of a state of emergency pursuant to G.S. 166A-19.20 for its implementation. In the event of a state of emergency declaration and where this Article is inconsistent with the provisions of Chapter 166A of the General Statutes, the provisions of Chapter 166A of the General Statutes shall control as to the areas covered under the declaration. The Board of Agriculture may adopt rules necessary for the implementation and administration of this Article.

...

law. **SECTION 19.(b)** Except as otherwise provided, this act is effective when it becomes
In the General Assembly read three times and ratified this the 1st day of July, 2016.

s/ Tom Apodaca
Presiding Officer of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Pat McCrory
Governor

Approved 2:00 p.m. this 26th day of July, 2016